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10:41:52 1 PROCEEDINGS

10:41:52 2 THE VIDEOGRAPHER: We're on the record

- 3 for the deposition of A.J. Loll. The time is 10:42
- 4 a.m. on February 25th, 2014 in the matter of Timothy
- 5 Kelly versus Nationstar Mortgage, LLC; Civil Action
- 6 No. 313-CV-003-11 JAG; being held in the United States
- 7 District Court for the Eastern District of Virginia,
- 8 the Richmond, Virginia.
- 9 The court reporter is Kendra Rowland. The
- 10:42:27 10 video is Luis Acevedo. Both are representative of
 - 11 Maxene Weinerg Agency.
 - 12 If Counsel could state their appearances for
 - 13 the record.
 - MR. BENNETT: For the plaintiff,
 - 15 appearing by videoconference, this is Leonard
 - 16 Bennettt. In addition, my co-counsel Matthew Erasquin
 - 17 and Dale Pittman are appearing telephonically.
 - 18 MR. LYNCH: John Lynch, counsel for
 - 19 Nationstar Mortgage.
 - 20 THE COURT REPORTER: And sir, if you'll
 - 21 raise your right hand, I'll swear you in.
 - 22 ANDREW JOSEPH LOLL,
 - 23 having been first duly sworn, testified as follows:
 - 24 EXAMINATION
 - 25 BY MR. BENNETT:

- 1 Q. And --
- 2 A. I also contact and discussed the file with
- 3 Gloria *Filman in our compliance area. In addition to
- 4 that, I had a call with *Enrico Valesco regarding an
- 5 e-mail, I believe in 2010, to Gloria Filman. And I
- 6 had a discussion with Crystal Mattox, who currently
- 10:51:58 7 does our letter validation process for the Welcome
 - 8 letter and the Transfer Of Serviceing letter, as well
 - 9 as the VOD Letter.
 - 10 One other thing I did, I validated with our
 - 11 acquisitions group that our processes have not changed
 - 12 since the last time. Actually sat and had a hands-on
 - 13 experience watching boarding of loans. That was about
- 10:52:27 14 three years ago, and the process did not change. So
 - 15 I'm very familiar with the boarding process.
 - 16 Q. And what do you mean by the process has not
 - 17 changed?
 - 18 A. How we transmit the data from the prior
 - 19 servicer through the secured website and how we load
 - 20 the data into our system called TMO, which then
 - 21 uploads that data into LSAMS, which is our -- that's
 - 22 our servicing/accounting management system. LSAMS is
 - 23 a servicing platform. TMO is the mortgage originator
- 10:53:00 24 platform.
 - 25 So when you board loans, you have to

- 1 Q. Yes.
- 2 A. That's not accurate. Centex Home Equity had
- 3 loan referrals from brokers, correspondence. We also
- 4 had retail and direct sales. So we originated
- 5 directly with the borrower in the bulk of our
- 6 business. But we did do some Fannie Mae originations.
- 7 We did have some referrals from the Centex Home's

8 group.

- 9 Q. Okay.
- 10 A. But the bulk of the business was directly
- 11 with the borrower.
- 10:56:00 12 Q. And then at some point, it changed its name
 - 13 to Nationstar?
 - 14 A. That's correct.
 - 15 Q. And do you recall when that occurred?
 - 16 A. I believe it was 2005. I'm not -- I could
 - 17 be off by a year or two. I think it was around 2005.
 - 18 The Centex Corporation was trying to, I think, raise
 - 19 capital at the time and sold off a -- or put out --
- 10:56:26 20 off that part of the business for sale that eventually
 - 21 became Nationstar.
 - 22 Q. And is it today a publicly traded entity?
 - 23 A. That's correct.
 - Q. And when did it go public?
 - 25 A. I don't know the exact date. I believe it

- 1 Q. What do you understand the violation that is
- 2 prosecuted here to be?
- 3 A. I don't necessarily -- I'm not an attorney
- 4 or a judge. So I cannot give an opinion of -- if
- 5 there was a violation occur that did not occur.
- 6 Q. What do you understand the allegation to 7 be?
- 8 A. I think the root cause is whether or not the
- 11:14:28 9 customer is confused based on the Validation of Debt
 - 10 letter.
 - 11 Q. Well, that's a -- you know, you're not an
 - 12 attorney. And will I better phrase my question. I'm
 - 13 not normally sure that if someone advised you just on
 - 14 the side that confusion by the actual consumer is a
 - 15 factor at all. I can't imagine Mr. Lynch would
- 11:14:59 16 represent to you that the claim is that anyone was
 - 17 confused, as opposed to the potential for confusion.
 - But the -- in this case the claim that is
 - 19 being prosecuted is that the Verification of Debt
 - 20 letter, the FDIC letter, listed a total payment amount
- 11:15:25 21 and then listed subcategories of that total payment
 - 22 that did not equal the total payment amount. Does
 - 23 that sound familiar at all.
 - 24 A. You're saying "payment." It's the total
 - 25 debt that is owed, not necessarily a payment that's

1 owed. It's just disclosing to the borrower the total 2 debt.

- Q. I understand. The total debt that's owed
- 11:15:57 4 and the -- in fact, if you want to go ahead and turn
- 11:16:06 5 to what is in your book, Exhibit 22, the last page.
- 11:18:14 6 And this is -- you have the letter in front of you?

7 It's Bates-numbered on the bottom NM/TK 327. Do you

8 see that?

- 9 A. Yes, sir.
- 11:18:31 10 Q. By the way, do you know what organization

11 actually put that number on the bottom right?

- 12 A. The NM/TK 327?
- 13 Q. Yes.
- 14 A. No.
- 15 Q. That is what we refer to as a Bates number.

16 Have you heard that saying before, that expression

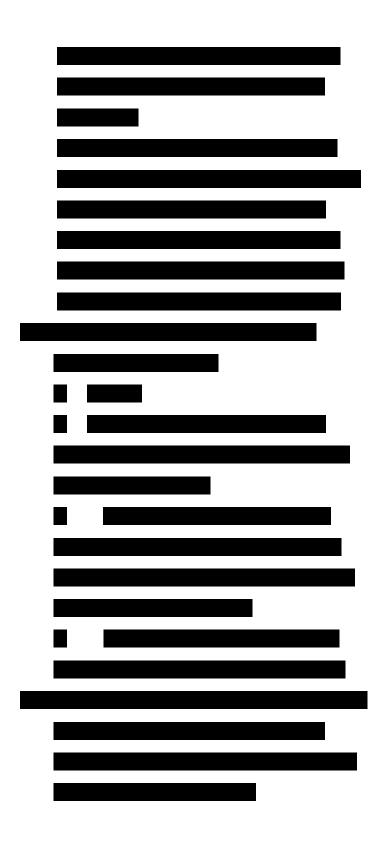
17 before?

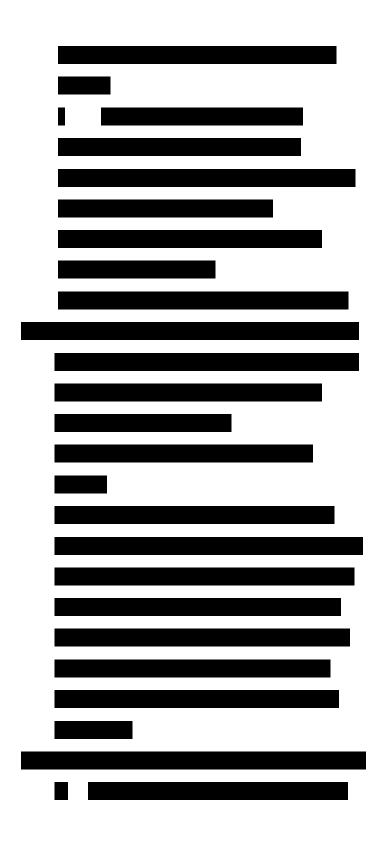
- 11:18:59 18 A. Oh, yes. I understand the Bates number.
 - 19 Q. Okay. So this is the letter that's
 - 20 challenged. And it says, Your total debt -- in the
 - 21 first bullet point -- Your total debt as of 10/15/12
 - 22 is \$202,197.64. Do you see that?
 - 23 A. I do.
- 11:19:28 24 Q. And then it lists additional amounts. It
 - 25 says, This amount includes your outstanding unpaid





- 21 Q. Is Convergence the name; or is it a city; or 22 is it --
- 11:53:58 23 A. Convergence is the building -- is the24 building. It's called Convergence. It's still in25 Lewisville.





1 I'm going to move this real quick and talk to my

12:29:00 2 colleagues because I think I'm towards my end here.

3 Let me just take a minute. As I mute you, you're not

4 muted unless you turn your --

5 THE VIDEOGRAPHER: Off the record at

6 12:29.

7 (Recess taken at 12:29 to 12:31.)

8 THE VIDEOGRAPHER: We're on the record.

9 The time is 12:31.

MR. BENNETT: I don't have other

11 questions for the witness.

I do understand that we have an

13 agreement in our cases that the read and sign time

14 would come from when the court reporter provides a

12:31:26 15 copy of the deposition to Nationstar's lawyers.

16 Right, John?

17 MR. LYNCH: Yeah. That's fine.

18 THE COURT Reporter: And John, do you

19 want a copy of this as well?

MR. LYNCH: The transcript, not the

21 video.

22 THE VIDEOGRAPHER: Off the record at

23 12:32.

24 (End of deposition at 12:32 p.m.)

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